



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0410

**WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF
OUTSIDE COUNSEL ON BEHALF OF THE WEST VIRGINIA DEPARTMENT
OF AGRICULTURE AND THE WEST VIRGINIA CONSERVATION AGENCY**

The West Virginia Department of Agriculture (hereinafter "WVDA") and the West Virginia Conservation Agency (hereinafter "WVCA") have jointly requested legal representation in conjunction with a review of property under their control.

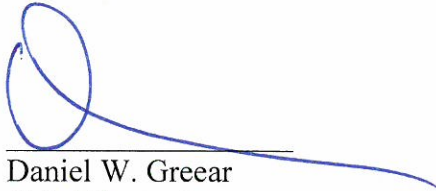
The WVDA is seeking a review of its real estate holdings of approximately 10,000 acres of land across the state. Specifically, the WVDA needs assistance with the review of each parcel of acreage to ensure each parcel is properly delineated and recorded. Where the boundaries of such properties are uncertain, the WVDA needs assistance with conducting title abstracts in the various counties to determine the exact boundaries of such properties. Further, the WVDA needs assistance with determining ownership of the substrata of each property including but not limited to oil, gas, coal, limestone and clay, as well as any surface easements, leases or other encumbrances. This project will be conducted in the following counties: Berkeley, Braxton, Cabell, Doddridge, Harrison, Hardy, Jackson, Kanawha, Lewis, Lincoln, Marshall, Mason, Mineral, Monroe, Pleasants, Preston, Raleigh, Randolph, Ritchie, Summers, Taylor and Wood.

The WVCA is seeking a two-phase review of its one hundred and seventy (170) flood control dams statewide. Specifically, the WVCA needs assistance with the review of each flood control dam's deed and easement specifications to ensure each is properly delineated and recorded (Phase I). Where the boundaries of such property are uncertain, the WVCA needs assistance with conducting title abstracts in various counties to determine the exact boundaries (Phase II). Further, the WVCA needs assistance with determining any other leases or other encumbrances related to said dams. Phase I of this project will be conducted exclusively in Romney, West Virginia, either at the WVCA's field office or the Potomac Valley Conservation District office. Phase II may require travel to various counties to conduct title work. Both the WVDA and WVCA's projects require significant knowledge and expertise in real estate transactions and land use planning.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint outside counsel to work in conjunction with the Attorney General's Office in order to assist the WVDA and WVCA with their review, based on the following factors:

- The matter at issue requires particular expertise in real estate transactional law not currently possessed by the Office of the Attorney General.
- The legal services needed would require a significant time commitment from the Office of the Attorney General to familiarize itself with real estate transactional work.
- The magnitude of the requested legal services exceeds the resources currently available within the Office of the Attorney General.
- The projects require extensive travel throughout the State, which makes appointment of outside counsel more cost-effective than the services that could be provided by the Office of the Attorney General.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services.

Accordingly, the Attorney General authorizes the appointment of outside counsel in the current legal matter pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004.



Daniel W. Greear
Chief Counsel

Date Signed: August 2, 2013